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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,851	03/28/2001	Susumu Yoshiwara		9525

7590

11/20/2002

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EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,851

Applicant(s)

YOSHIWARA ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 02 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an applications filed in Japan on November 06 2002 and March 28 2000. It is noted, however, that applicant has not filed a certified copy of the 200-11 and 2000-132973 applications as required by 35 U.S.C. 119(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No 5,624,615 Sandorff.

In regard to claims 13, 17: Sandorff discloses FIG. 1, column 5, line 42, the process of forming blocks including providing mold in desirable rectangular shape column 5, line 59, placing stone pieces which is aggregate material within the mold, and column 6, 49-58, pouring concrete 50 which is an aggregate particles, whereas the aggregate material in mold 20 are tightly packed, pouring mortar which liquid portion of concrete (cement and water) mixes with sand 44 between stone (aggregate) 35 and penetrates, column 6, line 64-65, after concrete 50 has cured the cast panel is removed from mold 20, column 7, line 7-11, placing tube (rod) 64 within the mold 20 with aggregate pieces 50.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No 5,624,615 Sandorff.

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In regard to claim 14: Sandorff discloses the claimed invention FIG. 4, column 8, line 5-8, block in the shape of parallelepiped placing a plurality of panels 30 in side by side in butt joints 120 and by inheriting having two blocks side by side relationship it creates two adjacent aggregate blocks in contact with one another so the force applied in one block is transferred directly from one aggregate block to adjacent aggregate block.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-12 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 464,562 Guastavino in view of Sandorff, as set forth in previous office action.

Claims 15, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandorff in view of US Patent No. 3,616,108 William E. Whitehouse.

In regard to claims 15, 4: Sandorff discloses the claimed invention except forming the block in arch shape and filling the space at extrados end with concrete to hold block in place. Whitehouse teaches FIG. 4, column 5, line 25-27, forming a block 42 into the arch shape and blocks having abut at each at their intrados (as marked) ends and space from each other at their extrados (as marked) ends. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the method steps of Whitehouse with method steps of Sandorff and Yoshida to provide a structure of the block in arch shape and also it is obvious to one of ordinary skill in the art at the time of invention was made to provide filling in a space at extrados ends with concrete in order to hold the block in place.

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Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Standorff in view of US Patent No. 3,616,108 William E. Whitehouse.

In regard to claim 16: Standorff discloses the claimed invention as stated in claim 13 except forming a support structure in the shape of an arch. Whitehouse teaches FIG. 4, column 5, line 49, forming a block 42 into the arch shape. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the structure in arch shape in order to create bridge structure.

### *Response to Arguments*

Applicant's arguments filed on 16 September 2002 have been fully considered but they are not persuasive.

In response to claims 1-3, 5-12, 18 and 19, applicant page 8, line 6, argued the Guastavino '562 there is no aggregate within common brick and isn't in shape of a parallelepiped, Sandorff '645, FIG. 4, teaches column 6, 49-58, having aggregated within brick and block are in a shape of parallelepiped and in regard to wooden arch isn't shown by Guastavino "562 clearly is shown FIG. 2 wooden arch. In regard to applicant argument page 10 that Sandorff doesn't teach pieces of aggregate material is adjacent to one another applicant discloses in specification page 5, line 8-12, the "holding the stone/or aggregate in place by pouring cement or mortar over it to secure the aggregate in position" it clearly shows the aggregate material in applicant's invention isn't adjacent to one another. In regard to applicant argument page 11, the structure of Sandorff '615 used as an arch is weaker than Guastavino'562, Sandorff discloses column 1, line 38-40, this technique is applicable to various stone and block materials and various different shapes.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-308-3686. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na

November 7, 2002

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600